

MINUTES
Regular Meeting of the College Park City Council
Tuesday, July 15, 2014
7:30 p.m. – 8:54 p.m.

PRESENT: Mayor Fellows; Councilmembers Kabir, Wojahn, Brennan, Dennis, Stulich, Day, Hew and Mitchell.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Bill Gardiner, Assistant City Manager; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning.

Minutes: A motion was made by Councilmember Mitchell and seconded by Councilmember Dennis to approve the minutes of the June 17, 2014 regular meeting. The motion passed 8 – 0 – 0.

Announcements:

Councilmember Mitchell announced that the College Park Academy was ranked number 3 in Prince George's County.

Councilmember Brennan announced a free adult dental clinic sponsored by Mid-Maryland Mission of Mercy and Health Equity Festival will be held on September 5 and 6 at the Comcast Center.

Councilmember Wojahn said that in his role as Chair of the National Capital Region Transportation Planning Board, he will emcee the celebration of the 40th anniversary of Commuter Connections. The program connects people that want to commute together, and will provide a guaranteed ride home if you get stuck at your job and miss your ride.

Councilmember Kabir said that the North College Park Civic Association will host a National Night Out event at 7:00 p.m. on August 5 at Duvall Field.

Amendments to the Agenda: Mayor Fellows added 14-R-24, A Resolution Of The Mayor And Council Of The City Of College Park Changing The Hours Of Operation Of Speed Monitoring Systems Placed Within One-Half Mile Of The University Of Maryland, to the agenda. Councilmember Stulich removed item 14-R-18 from the Consent Agenda and added it to the regular agenda.

City Manager's Report: Mr. Nagro reminded everyone of the Council's summer meeting schedule: the next Worksession is Wednesday, August 6 to allow everyone to attend National Night Out events on Tuesday. He announced the pedestrian safety improvements outlined at a meeting yesterday in Dr. Loh's office with State Highway Administration: pedestrian activated light at US 1 and Hartwick Road; a designated pedestrian area from Berwyn Road to Guilford Road; speed limits reduced within that zone to 25 mph; temporary median fence from Hartwick

to Knox to be installed by end of August; streetlights upgraded to LED lights. The City will go back to normal IHE hours on the speed cameras, so they will operate 24/7.

Comments from the Audience on Non-Agenda Items:

Dave Dorsch, 4607 Calvert Road: Asked what the Council has done relative to the flooding that took place in the City on June 10? Did you send a letter to the County? He asked who is going to pay for the \$14 million it will take to underground the utilities on US 1? Why are we spending \$300,000 on the engineering study for this when we can't afford the cost? Did a lot of money come from some place?

Councilmember Stullich said the flooding mitigation is a County issue and Councilmember Olson has been the City's liaison on those improvements.

Frank Brewer, Interim Executive Director, College Park University Partnership: He said that he will discuss in detail the College Park Academy's performance on the MSA achievement tests at the September 2 Worksession, which he will attend with the school's principal.

CONSENT AGENDA:

A motion was made by Councilmember Brennan and seconded by Councilmember Day to adopt the Consent Agenda, which consisted of the following:

- 14-G-72 Field Use Request by Knight Management Group for Community Service Project/School Supply Give Away at Duvall Field, Saturday, August 2, 2014, 9:00 a.m. until 3:00 p.m.**
- 14-G-81 Field Use Request by Berwyn Baptist Church for Evening Soccer Camp for Children at Duvall Field, Monday through Friday, July 14 -18, 2014, 5:45 p.m. until 8:30 p.m.**
- 14-G-73 Field Use Request by College Park Boys and Girls Club for Soccer Practice and Games at Duvall Field, Monday through Friday, August 4th through November 28th, 4:00 p.m. until 9:00 p.m., Saturdays, August 2nd through November 30th, 9:00 a.m. until 9:00 p.m.**
- 14-G-74 Field Use Request by College Park Boys and Girls Club for Soccer Practice and Games at Calvert Hills Playground Field, Monday through Friday, August 4th through November 28th, 5:00 p.m. until 8:00 p.m., Saturdays, August 2nd through November 30th, 9:00 a.m. until 3:00 p.m.**
- 14-R-16 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendations Of The Advisory Planning Commission Regarding Variance Application Number CPV-2014-02, 5209 Kenesaw Street, College Park, Maryland, Recommending Approval Of Variances From The Prince George's County Zoning Ordinance: Section 27-442(C) Prescribing**

Maximum Lot Coverage, Section 27-442(E) Prescribing Minimum Front Yard Setback And Section 27-120.01(C) Restricting Front Yard Parking Space Encroachment.

- 14-R-19 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission Regarding Appeal Number CEO-2014-03, 9120 Rhode Island Avenue, College Park, Maryland, Approving A Variance From Requirements Of City Code §87-23 B To Permit The Construction Of A Fence Within The Front Yard.**
- 14-R-20 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission Regarding Appeal Number CEO-2014-04, 5912 Chestnut Hill Road, College Park, Maryland, Approving A Variance From The Requirements Of The Prince George’s County Zoning Ordinance, Section 27-420 (A) To Permit The Construction Of A 6-Foot High Fence, And Denying A Variance From The Requirements Of City Code §87-23 C To Permit The Construction Of A Fence Within The 25-Foot Side Yard Setback, Where The Side Lot Line Is A Continuation Of The Front Yard Line Of The Adjacent Lot.**
- 14-G-75 Approval of a Council policy for distribution of Community Events Micro-grants funded in the FY ’15 budget**
- 14-R-23 Resolution to change the name of the Neighborhood Stabilization Committee to the Neighborhood Quality of Life Committee**

The motion passed 8 – 0 – 0.

ACTION ITEMS

- 14-O-04 Adoption of 14-O-04, An Ordinance Of The Mayor And Council Of The City Of College Park Adding Chapter 71 “Human Rights” To Prohibit Discrimination Based On Age, Race, Color, Creed, Pregnancy, Religion, National Origin, Ancestry, Disability, Marital Status, Sex, Sexual Orientation, Gender Identity Or Physical Characteristic And To Extend This Protection To Employment, Housing And Real Estate Transactions And Public Accommodations.**

A motion was made by Councilmember Wojahn and seconded by Councilmember Day to postpone indefinitely and table this ordinance. The motion passed 8 – 0 – 0.

14-O-05 Adoption of 14-O-05, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 69, “Purchasing Procedures” By Adding Section 69-6, “Equal Benefits” And Section 69-7 “Non-Discrimination By City Contractors” To Require That Contractors Seeking City Contracts Provide Equal Benefits To Employees And Their Dependents And That City Contractors Not Discriminate In Employment.

A motion was made by Councilmember Wojahn and seconded by Councilmember Brennan to adopt 14-O-05, Amending Chapter 69, “Purchasing Procedures” By Adding Section 69-6, “Equal Benefits” And Section 69-7 “Non-Discrimination By City Contractors” To Require That Contractors Seeking City Contracts Provide Equal Benefits To Employees And Their Dependents And That City Contractors Not Discriminate In Employment.

Councilmember Wojahn said this ordinance will ensure that contractors who receive our taxpayer dollars meet certain standards and will not discriminate. Currently, the City cannot terminate a contractor on this basis. This does not require anything additional of contractors except that they treat all their employees’ equally. The enforcement of these provisions does not rely on any other law. Specifically, the City can require that contractors certify that they do not discriminate in the provision of benefits. The City can require reporting to support this certification, and can terminate the contract for failure to conform to contract requirements. This does not create a private right of action for an individual who is the subject of discrimination. In that instance, the individual would use the remedies available through the state and county.

Councilmember Kabir has mixed feelings about this bill. It will be discouraging to ask a contractor to change their benefit or pension plan to fit the policy of this City. If a complaint is made it will take staff time to investigate. He will abstain.

The motion passed 7 – 0 – 1 (Kabir abstained).

14-G-76 Approval of DSP 12034-01 for 4700 Berwyn House Road subject to conditions and the applicant entering into a Declaration of Covenants with the City.

A motion was made by Councilmember Dennis and seconded by Councilmember Kabir that the City Council approve the vacation of the remaining section of Osage Street right-of-way and support Detailed Site Plan 12034-01 located at 4700 Berwyn House Road subject to the following conditions:

- 1. Total development within the subject property shall be limited to development which generates no more than 145 AM peak hour trips and 168 PM peak-hour vehicle trips. These levels are in addition to the approved AM and PM peak hour trip caps for phase one as stated in PGCPB No. 13-36.**
- 2. Prior to signature approval of the DSP, the applicant shall revise the landscape plan to:**
 - a. Substitute evergreens for spotted laurel along the northeast landscape buffer (L1.00) to create a mixed-tree landscape that will provide a year-round screen.**

**The following evergreens are recommended by the City horticulturist:
American Holly; Arborvitae; Hemlock; Korean Fir; and Eastern Red Cedar.**

- b. Remove the existing sidewalk along Berwyn House Road and reconstruct with a minimum width of 5 feet behind the existing utility poles. Remove the existing street trees along Berwyn House Road and provide new shade trees spaced 30-40 feet on center between the new sidewalk and curb. Recommended trees include: Trident; Maple; Paperbark Maple; and Hedge Maple.
 - c. Relocate the pedestrian streetlights from the north side of the sidewalk to the south side of the sidewalk.
3. Prior to signature approval of the DSP, the applicant shall revise the site plan to:
 - a. Provide flat-top (raised) crosswalks across the two driveways on Berwyn House Road.
 - b. Provide the total required amount of bicycle parking spaces (116 spaces). Relocate any bicycle parking spaces shown in the City right-of-way to another location on the property in front of the building. All u-shaped bicycle parking spaces shall be anchored in concrete.
 - c. Provide at least 25 spaces in the parking garage for moped/motorcycle/scooter parking.
 - d. Provide a minimum of 9 spaces in the parking garage for guest/visitor parking.
 - e. Provide a roof detail to show how any mechanical structures or other appurtenances proposed for the roof will be screened.
4. Prior to signature approval of the DSP, the applicant shall revise the architectural drawings for review by the City of College Park and M-NCPPC as follows:
 - a. The northeast façade (DSP-304) shall be revised so that it is similar in appearance to the southwest façade (DSP-301) in terms of roofline, building materials (brick and cementitious panel) and articulation.
 - b. The pool courtyard elevations (DSP-306, B1, B2, & B4) and north elevations (DSP 303) shall be revised to provide additional visual interest and detailing. Specifically, the horizontal articulation between the 6th and 7th stories on the south elevation (DSP-301) shall be continued into these elevations and the Juliet balconies shall be dark grey (MT-1) and not beige (MT-2).
 - c. The façade of the southern courtyard elevation (DSP-301) shall be revised to provide more visual interest such as expressing the 2-story columns without interruption and reducing the scale of the space between the columns with additional articulation.
 - d. The southern façade (DSP-301) shall be revised to show an alternate decorative grill in front of the parking garage so that the appearance is more residential and less institutional. The window openings above the parking entrance shall be revised to align with the columns and windows above.
5. Prior to signature approval of the DSP, the applicant shall revise the sign plan to:
 - a. Key sign locations to project sign types shown on the plan.
 - b. Specify the maximum sign area per sign type and provide the total number of signs requested.
6. Execution of an Agreement and Declaration of Covenants between the applicant, property owner and the City of College Park in substantially the form attached.

7. Consent to vacation of the remaining Osage Street right of way is based on the agreement of the Applicant to pursue development of the Project in accordance with Detailed Site Plan DSP-12034-01 as currently approved or as amended with consent of the City, and in accordance with the Declaration of Covenants and Property Use Agreement (“Declaration”) between the City and the Applicant.

Councilmember Dennis said this property has a total of 2.12 acres and is impacted by the 100-year floodplain. The proposal is to construct a 7-story, 275-unit apartment building with up to 1,000 square feet of retail and a 318-space two-level parking garage. The property is located in the M-U-I zone which permits the proposed mixed use and density of 130 dwelling units per acre. The applicant has applied for a revitalization tax credit which is under review by staff and will be placed on a City Council agenda at a later date. The Planning Board public hearing date is July 17, 2014.

Chris Hatcher, attorney for the applicant: Mr. Hatcher said the applicant wants to show the Council some of the revisions they have made in response to condition #4 of the motion. He introduced Jack Holland, architect, who presented and reviewed revised exhibits.

Ms. Ferguson said an updated Declaration of Covenants has been distributed. Negotiations have been ongoing and changes were made to Paragraph 10 and 16 regarding the two issues raised by Council – LEED certification and leasing of the units. Regarding LEED: The owner would be allowed to create a scorecard based on what was actually constructed in the building, and the City would hire an expert at the developer’s expense to make sure the scorecard is fair and accurate. This relieves the applicant of the larger expense of going through the USGBC for LEED certification. Regarding leasing: there was discussion about whether co-signers would be required. This substitute language guarantees the type of housing desired by the City and does not allow units to be rented by the bed. The majority of the units will be one-bedroom and studios. There was also a change to the number of years of experience the manager must have from “10 years” to “extensive.”

Councilmember Dennis pointed out an error on the top of page 3 of the Declaration of Covenants: the reference to Section 1(C) should be to Section 2 (C).

Councilmember Brennan thanked the applicant for responding to the interests of the community and believes the new language regarding the type of housing is meager but acceptable.

The motion passed 8 – 0 – 0.

14-R-21 Resolution of the Mayor and Council of the City of College Park approving the application and receipt of financing for a Community Legacy project for 50% of the design and bidding package for the undergrounding of utilities associated with the reconstruction of US 1 from College Avenue to MD 193.

A motion was made by Councilmember Mitchell and seconded by Councilmember Wojahn to adopt Resolution 14-R-21, approving the application and receipt of financing for a Fiscal Year 2015 Community Legacy application requesting a grant of \$150,000 for 50% of the design and bidding package to underground utilities on US Route 1 between Lakeland Road and Greenbelt Road.

Councilmember Mitchell stated that Community Legacy provides resources to assist local governments in realizing comprehensive community revitalization initiatives. It is intended as a flexible resource to fill key funding gaps not being met by other State or local financing and to position older communities for increased private investment. The purpose of the City's application is to cover 50% of the design and bidding package for the undergrounding of utilities associated with the first segment of US 1's reconstruction. The Maryland State Highway Administration's policy for road projects does not include the relocation of utilities underground; therefore, the full costs associated with undergrounding are the responsibility of the City. The City views undergrounding as a significant opportunity to improve the aesthetics of US 1, while also providing additional space for bicycle and pedestrian facilities that are necessary as the population grows along the corridor.

There were no comments from the audience or from the Council.

The motion passed 8 – 0 – 0.

14-G-77 Approval of a Letter in support of a Community Legacy Application from the College Park City University Partnership to initiate a new Live/Work College Park program

A motion was made by Councilmember Stullich and seconded by Councilmember Day to authorize the Mayor to sign a letter of support to the Department of Housing and Community Development on behalf of the College Park City-University Partnership Community Legacy grant application for a new Live Work College Park program.

Councilmember Stullich said this is a timely project that complements the City's current New Neighbors program, augments efforts to stabilize a once owner-occupied residential area that is now largely rental units, and will help create a sustainable community.

There were no comments from the audience or from the Council.

The motion passed 8 – 0 – 0.

14-G-78 Approval of a Landscape Easement with Metropolitan Development At College Park, LLC for landscape buffer.

A motion was made by Councilmember Dennis and seconded by Councilmember Brennan to approve a Landscape Easement with Metropolitan Development Group at College Park, LLC in substantially the form attached, and to authorize the City Manager to sign the Easement on behalf of the City.

Councilmember Dennis stated that the Mayor and Council previously supported DSP-03098/03 for the Metropolitan Development Group at College Park, LLC (“Metropolitan”) development at 9091 Baltimore Avenue. Due to various considerations about parking and buffers, the City agreed to allow the use of a 10 foot portion of the 20 foot wide unimproved right of way to the east of the project for installation of a landscape buffer. This Landscape Easement authorizes the installation of the buffer and landscaping throughout the entire adjacent right of way by Metropolitan, subject to maintenance by Metropolitan. The easement may be revoked if Metropolitan does not comply with the easement terms.

There were no comments from the audience or from the Council.

The motion passed 8 – 0 – 0.

14-R-22 Resolution Of The City Of College Park, Maryland To Install A Pilot Permaculture Project Along The Trolley Trail Between Greenbelt Road and Tecumseh Street In The Berwyn Neighborhood Of College Park.

A motion was made Councilmember Hew and seconded by Councilmember Mitchell to adopt Resolution 14-R-22 approving the pilot phase of the Trolley Trail Forest Garden to be located in the Berwyn neighborhood along Rhode Island Avenue between Greenbelt Road and Tecumseh Street.

Councilmember Hew said that adopting this resolution will allow City residents and visitors to explore the full range of benefits that permaculture provides, including environmental and wellness aspects; new habitat to birds and beneficial insects; serving as a local showcase of numerous species of plants and trees; serving as a regional destination for eco-tourists; and providing community-building volunteer activities. A Forest Garden Team consisting of City Staff, Tree and Landscape Board and Committee for a Better Environment representatives will regularly inspect the plantings to ensure the area is clean and well maintained. Plantings will be evaluated for viability in the site’s soil conditions to guide subsequent phases. Future expansion of the Trolley Trail Forest Garden will be contingent on the support of the local community, the TLB, the CBE as well as approval of the City Council.

There were no comments from the audience or from the Council.

The motion passed 8 – 0 – 0.

14-O-07 Introduction of 14-O-07, An Ordinance to Amend Chapter 184 Article VIII, Vehicles and Traffic Speed-Monitoring Systems, to incorporate new state law provisions.

A motion was made by Councilmember Kabir and seconded by Councilmember Wojahn to introduce 14-O-07, An Ordinance to Amend Chapter 184 Article VIII, Vehicles and Traffic Speed-Monitoring Systems, to incorporate new state law provisions.

Mayor Fellows stated that the Public Hearing is scheduled for September 9, 2014 at 7:15 p.m.

14-R-24 Resolution Of The Mayor And Council Of The City Of College Park Changing The Hours Of Operation Of Speed Monitoring Systems Placed Within One-Half Mile Of The University Of Maryland.

Mayor Fellows read the resolution into the record.

A motion was made by Councilmember Stullich and seconded by Councilmember Day to adopt Resolution 14-R-24, A Resolution Of The Mayor And Council Of The City Of College Park Changing The Hours Of Operation Of Speed Monitoring Systems Placed Within One-Half Mile Of The University Of Maryland.

Councilmember Stullich said she is happy to see this resolution before us due to the pedestrian accidents on Route 1 in which speed has often been a factor. This is just one of many measures we can take to improve safety on Route 1. This will help our residents and visitors alike, and she hopes we will not see any more tragic accidents.

Comments from the audience:

Anne Martens, Assistant Vice President for Administration and Finance, University of Maryland: The University of Maryland fully supports this resolution and the use of speed cameras 24/7 particularly on US Route 1 between Berwyn Road and Guilford. They have no position on the other locations in the IHE zone.

Councilmember Wojahn said the Council has wanted to do this for a long time and he is glad we now have all of our partners on board. Pedestrian safety isn't only important from 6 a.m. to 8 p.m. and he feels this is absolutely necessary.

Councilmember Stullich said we have to do more to educate pedestrians, and more to enforce jaywalking and speeding. It is a complex problem that requires different solutions.

Mayor Fellows said Route 1 is our main street and because we are a college town with a thriving night scene, we have a lot of people downtown. When people are driving through College Park they should drive slowly and expect the unexpected. The reduction in the speed limit from 30 – 25 mph is warranted. Driving slowly through College Park makes sense for the safety of all.

The motion passed 8 – 0 – 0.

14-R-18 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendations Of The Advisory Planning Commission Regarding Variance Application Number CPV-2014-05, 5926 Bryn Mawr Road, College Park, Maryland, Recommending Approval Of A Variance From The Requirements Of The Prince George's County Zoning Ordinance, Section 27-420(A), To Permit The Construction Of A Fence To Increase The Height By Two Feet.

Councilmember Stullich said she and Councilmember Day will submit the required form tonight to call this item up for Oral Argument.

14-G-79 Appointments to Boards and Committees

A motion was made by Councilmember Brennan and seconded by Councilmember Wojahn to appoint Maia Sheppard to the Education Advisory Committee, Cory Sanders to the Aging-In-Place Task Force, and David Iannucci as a Class C Director to the City University Partnership. The motion passed 8 – 0 – 0.

COUNCIL COMMENTS:

Councilmember Wojahn said the bar owners also should be at the table when considering pedestrian safety measures. He requested a future Worksession to see what measures they take to ensure the safety of their customers. Mr. Nagro said there is an annual meeting with the bar owners, local police, State's Attorney's office and the chief liquor inspector. This year they will put some of the burden on the bars to control patrons as they are coming outside. He will report the results to Council after that meeting is held this year. Councilmember Day believes the bar owners are willing and ready to step forward and do what is necessary. Mayor Fellows believes we should have them come to a Worksession to state publicly what measures they are taking.

Councilmember Brennan promoted the Berwyn National Night Out events. 6:00 p.m. at Berwyn Neighborhood Park, then 7:00 – 9:00 p.m., Fishnet will host a meeting on crime prevention.

Councilmember Stullich said she is particularly happy about the coming pedestrian light at US 1 and Hartwick Road, which we have been trying to get for many years. She reported on today's PZED Committee meeting on CB-42-2014, the Single Family Neighborhood Stabilization Overlay Zone: the bill will be held over and may come back in September, so stay tuned.

ADJOURN:

A motion was made by Councilmember Brennan and seconded by Councilmember Wojahn to adjourn the regular meeting. Mayor Fellows adjourned the meeting at 8:54 p.m. with a vote of 8 – 0 – 0.

Janeen S. Miller, CMC
City Clerk

Date
Approved